REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Claims 1-8, 10, 11, 13 and 15 -22 are now pending. Claims 1 and 11 have been revised to more clearly set forth unique and advantageous characteristics of the invention and claims 4 and 10 have been revised to depend from claim 1.

Claim 8 was rejected under 35 USC 112, second paragraph, as being indefinite. Claim 8 has been reviewed and revised above to obviate the grounds for this rejection.

Previously presented claims 1, 3-10 and 13 were rejected under 35 USC 102(b) as allegedly being anticipated by Neuman '952. Applicant respectfully traverses this rejection.

Independent claims 1 and 11 have been revised above to make clear that the filter section of the filter is located between the inlet section of the filter and the closed end section of the filter, that the filter section of the filter defines the tubular fluid passage with the inner surface of the fluid passage body and that the tubular fluid passage has a cross-sectional area, which is equivalent to or smaller than a sum of the cross-sectional areas of the holes of the filter section. With such a structure, fluid flow is regulated through the tubular fluid passage so that the holes of the filter section do not need to not be precisely manufactured. Thus, variation in performance of the injector can be readily controlled with the combination claimed by applicant.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1574 (Fed. Cir. 1986). While other references may be used to interpret an allegedly anticipating reference, anticipation must be found in a single reference. See, e.g., Studiengesellschaft Kohle, G.m.b.H. v. Dart Indus., Inc., 726 F.2d 724, 726-27 (Fed. Cir. 1984). The absence of

any element of the claim from the cited reference negates anticipation. See, e.g., Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 715 (Fed. Cir. 1984). Anticipation is not shown even if the differences between the claims and the prior art reference are insubstantial and the missing elements could be supplied by the knowledge of one skilled in the art. See, e.g., Structural Rubber Prods., 749 F.2d at 716-17.

Neuman does not anticipate applicant's claim 1. In this regard, nothing is disclosed in Neuman regarding the summation of the cross-sectional areas of holes 35 in the filter section with regard to the cross-sectional area of the tubular passage defined between the inner surface 23 of the fluid passage body and the filter section. Because nothing is disclosed in this regard and because it is well established that patent drawings are not to scale and dimensional relations can not be discerned from an illustration in the absence of disclosure relating thereto, it is respectfully submitted that an anticipatory rejection based on Neuman is improper. Withdrawal of the rejection is requested.

Claim 2 was rejected under 35 USC 103(a) as being unpatentable over Neuman '952 in view of Stamstad '055. Claim 2 is submitted to be patentable over Neuman '952 for the reasons advanced above. The Examiner's further reliance on Stamstad does not overcome the deficiencies of Neuman noted above. It is therefore respectfully submitted that claim 2 is allowable as well.

Claims 11 and 15 were rejected under 35 USC 103(a) as allegedly being unpatentable over Neuman '952 in view of Verlag. Applicant respectfully traverses this rejection.

As noted by the Examiner, Neuman '952 does not disclosure a tubular fluid passage having a cross-sectional area equivalent to or smaller than the sum of the cross-sectional areas of the holes of the filter section. The Examiner cites Verlag has allegedly teaching the recited relationship.

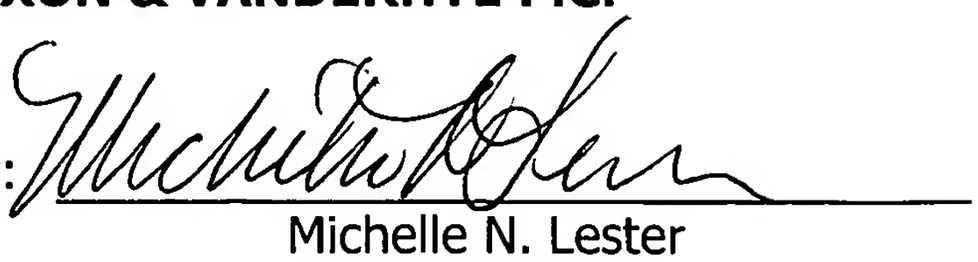
According to Verlag, the holes have a total section that is larger than that of the "hole of the machine nozzle" for minimizing pressure loss at a high velocity of supplying the solution. However, Verlag does not describe or depict where the "hole of the machine nozzle" is. It is respectfully submitted that the skilled artisan would not literally associate the recited "hole of the machine nozzle" with the tubular fluid passage defined between the filter section and the nozzle body. In Verlag, the "hole of the machine nozzle" would apparently be the gap between a tip end of the closing bar and the dip nozzle head on the left side of the cited figure, or the diameter of the passage in the dip nozzle head itself. In either case, the "hole of the machine nozzle" is clearly remote from the tubular fluid passage and there is no teaching or suggestion in Verlag of a particular relation between the cross-sectional of the tubular fluid passage in Verlag and the summation of the cross-sectional areas of the holes in the filter section.

Because Verlag clearly does not provide any characterization of the location of the hole of the machine nozzle and in view of the way in which "hole" is normally understood, it is respectfully submitted that Verlag does not teach or suggest the relation between the tubular fluid passage and the holes in the filter section as recited in applicant's claims 1 and 11. It is therefore respectfully submitted that claims 1, 11 and the claims dependent therefrom are not anticipated by nor obvious from Neuman taken alone or in combination with Verlag.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

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